

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
January 8, 2018**

Members present:

Newton: Jordan Miller (4-0), James Ontiveros (2-1)
Julie Yoder (5-0) Elizabeth Gunn (4-1)
Jay Sommerfeld (2-1)

North Newton: Gary Roth (5-0), Tyson Weidenbener (5-0)
Joe Slechta (5-0)

Members absent: Carl Harris (4-1)

[Note: attendance-recording period runs from 6-5-17 to 5-30-18]

Staff present:

Newton: Kelly McElroy, Dir. Community Planning & Development
Mark Jenkins, Building and Zoning Administrator
Suzanne Loomis, City Engineer/Director of Public Works
Christopher Towle, City Attorney
Melissa Krehbiel, Executive Assistant/Deputy City Clerk

The Newton-North Newton Area Planning Commission met on January 8, 2018 in a regular meeting at the Newton City Hall commission chambers, 201 East 6th Street, Newton. At 5:30 p.m., a quorum was present and Vice-Chair Weidenbener called the meeting to order.

AGENDA ITEM NO. 1

Consider approval of the December 4, 2017 meeting minutes.

Vice-Chair Weidenbener moved to approve the minutes with the correction that Vice-Chair Weidenbener called the meeting to order on September 11. Commissioner Gunn seconded the motion. Motion carried, 7-0.

AGENDA ITEM NO. 2

Consider a Special Use Permit application by Tippin Properties, LLC, to build a private parking lot at 410 Victoria Road, for use by Tippin Dental employees.

Kelly McElroy, Director of Community Planning and Development, read the staff report. Tippin Properties, LLC purchased the property at 410 Victoria Road in November 2017. They have been looking for a solution to their parking problem for several years. Employees currently

park on nearby streets. The property is zoned R-1 and will retain this zoning classification. The zoning code allows for a public or private parking lot in a residential district, with a special use permit, provided that it is within 300 feet of a commercial, professional office or industrial district. The property is approximately 72 feet north of Tippen Dental office, which is zoned C-2 Commercial and approximately 60 feet west of another C-2 property, across the street on Sutton Drive. The governing body may attach conditions to the issuance of such a permit as long as those conditions promote the general welfare of the community.

Staff found that the proposed use meets all criteria for issuance of a special use permit for this zoning classification, as set forth in the zoning code. There are no issues of accessibility to the property for municipal services as all City services are already available to the site. Ingress and egress to and within the site should be adequate; there is one proposed entrance and exit from the parking area to Victoria Drive. The 75 foot setback of this entrance from the intersection will satisfy zoning code requirements. The site plan should improve the flow of traffic at the intersection by removing some of the vehicles that park along Victoria Road and Sutton Drive on week days.

There are no issues of accessibility to utility services as all City services are already available to the site. There are no issues with general compatibility with adjacent properties, other properties in the district, or the general safety, health, comfort and general welfare of the community. The surrounding properties are zoned R-1 (Single-family Dwelling District) and C-2 (General Business District). Per Newton-North Newton zoning regulations, public and private parking lots are deemed to be compatible and appropriate property uses in R-1 districts through Special Use Permit, provided measures are in place to protect and preserve the residential character and use of properties in such districts.

The proposed project is found to be compatible with the location, nature, and height of buildings, walls, fences, and other improvements in the area; and their relation to adjacent property and uses. Also, the need for buffering or screening was evaluated. There is a single family home directly adjacent to the north, and a residence adjacent to the west. The property is bordered on the east by Sutton Drive, across from which is C-2, Commercial property. The property directly to the south across Victoria Road is a single family residence, also owned by Tippin Properties, LLC. The applicant proposes a short fence with landscaping on the north side of the parking area, along the property line with the northern neighbor, and additional landscaping on the east side of the parking lot, along Sutton Drive.

Yard and open space requirements and sign provisions are adequate for the proposed project; no signage or lighting has been proposed. The anticipated use of the parking lot will be for Tippin Dental employees during regular business hours, on weekdays.

Ms. McElroy also reviewed a staff report that evaluated the appropriateness of the proposed project in relation to the “Golden” criteria determined by the Kansas Supreme Court to be relevant in determining the reasonableness of zoning requests. The six criteria include: the character of the neighborhood; the zoning use of nearby properties; suitability of the property for

the use to which it is restricted; the extent to which the change will detrimentally affect nearby property; the length of time the property has been vacant as zoned; and the gain to the public health, safety, and welfare of the community, versus the hardship imposed if the Special Use Permit is denied. Staff found that the proposed project is reasonable in relation to these six criteria.

Commissioners discussed paving material, line of sight for drivers, and appropriate landscaping, fencing and lighting for the property. Staff said the paving material would be asphalt or concrete, per the zoning code. Commissioner Ontiveros expressed concern about a commercial parking lot in a residential neighborhood and whether the neighbors have been notified. Staff said that a public notification process was followed, per state statute. Nearby property owners, those who live within 200 feet, were identified by a local title company and this list was submitted to the City by the applicant. City staff used the property ownership list to mail letters to the property owners at least 21 days in advance of the hearing, letting them know about the application and their opportunity to speak at tonight's hearing. Also per state statute, a notice of hearing was published in the local newspaper. Staff has not received any communications from nearby property owners regarding the application.

Wyatt Farney, 431 Victoria Road, spoke on behalf of the applicant, Tippen Properties, LLC. Mr. Farney said the applicant has spoken with the neighborhood home owners association and they have not expressed any problems with the project. The applicant may consider installing lighting in the future, if there seems to be a need for it. Any lighting added would be low-level and might be set on timers for short periods in the evening. Lighting would be similar to what they have in the Tippen Dental parking lot.

Vice Chair Weidenbener opened the public hearing. There being no one to speak, the public hearing was closed and Vice Chair Weidenbener called for discussion.

Commissioner Ontiveros moved to approve the special use permit. Discussion followed. Commissioners discussed landscaping, lighting, fencing, and line of sight for drivers. Commissioner Gunn moved to approve the special use permit based on staff recommendation and with the following contingencies: a short fence, not to exceed four feet in height and constructed so as to preserve line of sight for passing drivers must be erected along the northern property line; appropriate, short landscaping that accommodates line of sight for drivers must be installed on the northern and eastern borders of the parking area; if any lighting is desired to be added to the parking area in the future, the lighting plan must be reviewed and approved by City Planning & Zoning staff. Commissioner Slechta seconded the motion. Motion carried, 7-0.

AGENDA ITEM NO. 3

Consider a final plat for Rolling Hills Sixth Addition, submitted by MKEC, for property located on the south side of E. 1st Street, west of S. Spencer Road, east of I-135.

Kelly McElroy, Director of Community Planning and Development, read the staff report. The preliminary plat for this development was approved by the Planning Commission at the December 4, 2017 meeting, on the contingency that the applicant make several updates requested by City staff. The updates have been completed and the drainage plan has been reviewed and approved by City Engineering staff. Staff recommends approval of the final plat, contingent upon the applicant's acceptance of any additional changes required by the Planning Commission. If the Planning Commission approves the final plat it will then be forwarded to the Newton City Commission with a recommendation for approval.

Commissioners asked about ingress and egress for the site and how it would affect traffic coming off the highway and East First Street. Staff said the site plan was developed with the help of Kansas Department of Transportation (KDOT) over the course of about two years. The plan includes built-in traffic controls like a median and right-in right-out only access to Manchester Drive.

Vice-Chair Weidenbener requested a motion. Commissioner Slechta moved to approve the final plat based on staff recommendation. Commissioner Sommerfeld seconded the motion. Motion carried, 7-0.

AGENDA ITEM NO. 5

Old business.

No old business was reported or discussed.

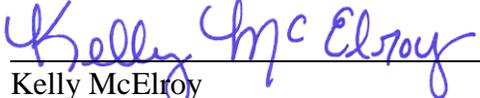
AGENDA ITEM NO. 6

New business.

Suzanne Loomis, City Engineer/ Director of Public Works, reviewed the year end housing report. In 2017, there was a large increase in multifamily building permits, because of the construction of Prairie Fire and Cottonwood Crossing apartments. Single-family housing starts are also up, although not at pre-recession levels like before 2008. There were 110 buildable lots in 2017.

AGENDA ITEM NO. 7

There being no other business to come before the Planning Commission, the meeting adjourned at 6:25 p.m.



Kelly McElroy
Secretary